United Nations S/2005/368

# Security Council

Distr.: General
6 June 2005
English
Original: French

## Letter dated 3 June 2005 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1584 (2005), concerning Côte d'Ivoire, and to my letter of 29 March 2005 (S/2005/211) informing you of my appointment, in consultation with the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire, of three experts having the necessary skills to perform the mandate set out in the resolution, for a period of six months.

Subsequently, I was informed that Mr. Gilbert Charles Barthe was unable to take up the appointment because of unforeseen circumstances. Accordingly, I have appointed the following customs expert to replace Mr. Barthe:

Mr. Jean-Pierre Witty (Canada)

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

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United Nations A/59/827-S/2005/369

General Assembly
Security Council

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**General Assembly**
**Fifty-ninth session**
Agenda item 36
**The situation in the Middle East**

**Security Council**
**Sixtieth year**

## Letter dated 6 June 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government I transmit to you herewith a statistical table of Israeli violations of Lebanese sovereignty during the month of May 2005, which amounted to 82 violations (see annex). These violations constitute a breach of the relevant Security Council resolutions, the most recent of which is resolution 1583 (2005), and go against your repeated calls to desist, most recently in your report S/2005/36 of 20 January 2005. Lebanon depends upon the United Nations to compel Israel to desist from these violations, which constitute a threat to international peace and security, and holds Israel responsible for the consequences that could result.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda item 36, and of the Security Council.

(*Signed*) Ibrahim **Assaf**
Chargé d'affaires a.i.

05-37393 (E) 070605 070605

## Annex to the letter dated 6 June 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General

**Statistical table showing Israeli violations of Lebanese sovereignty during May 2005**

| *Air violations* | | | | *Sea violations* | *Land violations* | | | *Total violations* |
|---|---|---|---|---|---|---|---|---|
| | | | | | *Military acts of aggression* | *Field violations* | *Breaches* | |
| Military jet | Reconnaissance | Helicopter | Total | Crossing of territorial waters, artillery fire and shooting of flares and firebombs over territorial waters | Air raids, artillery shelling, shelling of military positions and important centres, attacks on and killing of civilians | Gunfire, shooting of flares, dropping of artillery missiles, infiltration and crossing of international borders | Threats and displaying of weapons, bulldozing of soil, placing of barbed wire and setting up of installations inside Lebanese territory | - |
| 10 | 25 | 5 | 40 | 13 | 2 | 19 | 4 | 82 |

United Nations S/2005/370

# Security Council

Distr.: General
6 June 2005

Original: English

## Letter dated 6 June 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my predecessor's letter of 2 November 2004 (S/2004/885) and its annex, transmitting a fourth report from Latvia submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully with the assistance of its experts, and has written to the Permanent Representative of Latvia to the United Nations to set out its preliminary comments. Latvia has been requested to provide a response in the form of a fifth report by 4 August 2005.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

05-37499 (E) 100605

United Nations S/2005/371

# Security Council

Distr.: General
7 June 2005
English
Original: French

## Letter dated 7 June 2005 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter of 26 May 2005 (S/2005/346) concerning the list of candidates for ad litem judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, in which you suggest that the deadline for nominations be extended for 30 days, was brought to the attention of the members of the Security Council. The Council took note of the content of your letter and decided to postpone the deadline for nominations to 7 July 2005.

(*Signed*) Jean-Marc **de La Sablière**
President of the Security Council

05-37544 (E) 070605 070605

United Nations A/ES-10/303–S/2005/372

General Assembly
Security Council

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6 June 2005

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**General Assembly**
**Tenth emergency special session**
Agenda item 5
**Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory**

**Security Council**
**Sixtieth year**

## Identical letters dated 6 June 2005 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and to the President of the Security Council

Yesterday, Sunday, 5 June 2005, marked 38 years since the onset of Israel's occupation of the Palestinian territory, including East Jerusalem, in 1967. Since then, Israel, the occupying Power, has continuously pursued policies and practices that are in violation of the rules and principles of international law and United Nations resolutions and that have aimed at the acquisition of more territory by force and the de facto annexation of the land under its occupation. As of this very moment, Israel continues to undertake unilateral and concrete measures that are altering the situation on the ground and, if not ceased and reversed, will negatively influence the outcome of any final settlement between the two sides.

Foremost among these illegal policies and practices has been Israel's colonial settlement campaign throughout the Occupied Palestinian Territory, including East Jerusalem, which has involved the confiscation of thousands of dunums of Palestinian land for the building and expansion of Israeli settlements and the bypass roads that connect them. In June of 2002, Israel began its second major enterprise linked with this colonial campaign, namely the construction of the Wall in the Occupied Palestinian Territory, including in and around East Jerusalem. The Wall, in conjunction with the hundreds of checkpoints and roadblocks established by Israel throughout the Occupied Territory, has severely restricted the freedom of movement of the Palestinian civilian population and is destroying the territorial contiguity of the Palestinian territory and thus the future prospect for the achievement of the two-State solution to the Israeli-Palestinian conflict.

In specific, Israel continues to carry out measures to unlawfully change the border between Israel and the territory it occupied in 1967, namely the 1949 Armistice Line, also known as the 1967 Line or Green Line. The construction of the Wall in the West Bank, in departure from the 1967 Line and deep inside the Occupied Territory, and the strategic establishment of various checkpoints are part

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and parcel of Israel's efforts to blur this line and to physically erect a new political border between it and the Palestinian territory.

In this regard, I would like to draw your attention to Israel's measures concerning the Qalandiya checkpoint which it has erected in the centre of the West Bank in a densely populated Palestinian civilian area and parallel to which the route of the Wall is being carved. It is being reported that Israel plans to transform the Qalandiya checkpoint into a border crossing — similar to an international gateway or crossing point — for the tens of thousands of Palestinians who cross it each day. Israel has accelerated work in an area a few metres east of the Qalandiya checkpoint to prepare for the construction of a compound or installation that will separate the northern and southern parts of the West Bank and separate Jerusalem and its surrounding towns and villages from the Ramallah area.

It is also being reported that Israel plans for this crossing point, which will be the largest and costliest ever to be built by Israel in the Palestinian territory, to be operated by a new civilian authority under the Ministry of Public Security and that it plans for other Government representatives, including the Interior Ministry and the Income Tax Authority, to be present there, as well as at a similar terminal being built outside of Bethlehem. Such plans confirm Israel's intentions to transform this checkpoint into a permanent border crossing inside the Occupied Palestinian Territory itself and not on the 1967 Line, intricately connected to the political border it has been establishing via its construction of the Wall, which the International Court of Justice concluded was unlawful and called for its cessation and dismantlement.

The Wall and the Qalandiya checkpoint combined are the denouement of Israel's incessant efforts aimed at the illegal, de facto annexation of East Jerusalem and its total separation and isolation from the rest of the Occupied Palestinian Territory. The impact on Jerusalem and the surrounding area will be grave, further altering their demographic compositions and destroying the socio-economic conditions and the very fabric of the lives of the tens of thousands of Palestinians living on either side of the Wall and the checkpoint.

These are serious developments that cannot continue and must not be overlooked by the international community. The continuation of this situation will totally undermine any progress, including in terms of the Gaza withdrawal and in terms of a genuine resumption of the peace process towards the implementation of the road map. In this respect, it is imperative to recall that, under phase I of the road map, Israel is supposed to withdraw from Palestinian areas occupied in September 2000 and the two sides are to restore the status quo that existed at that time. The understandings reached during the Sharm el-Sheikh summit also call for the withdrawal of Israeli forces to pre-September 2000 positions. This critical commitment has not been fulfilled by Israel and its fulfilment is vital for an improvement in conditions on the ground and for any movement forward. On the contrary, Israel continues to entrench its positions, seeking to establish a permanent situation on the ground, and the Qalandiya checkpoint is one glaring example that must be urgently addressed.

We urge the international community as a whole to exert all necessary efforts to address this situation. In this regard, measures should be taken by the Security Council and the General Assembly to compel Israel to cease its illegal practices and abandon its expansionist designs and instead to recommit itself to the peace process

and to the implementation of the road map towards the achievement of the two-State solution of Israel and an independent, sovereign and territorially contiguous Palestine, living side by side in peace and security on the basis of the pre-1967 borders.

The present letter is in follow-up to our previous 218 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 17 May 2005 (A/ES-10/302-S/2005/321) constitute a basic record of the crimes committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I would be grateful if you would arrange to have the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Somaia **Barghouti**
Chargé d'affaires a.i.

United Nations S/2005/373

Security Council

Distr.: General
7 June 2005

Original: English

# Report of the Secretary-General pursuant to paragraph 30 of resolution 1546 (2004)

## I. Introduction

1. In its resolution 1546 (2004), adopted on 8 June 2004, the Security Council requested the Secretary-General to report to the Council within three months of that date on the operations of the United Nations Assistance Mission for Iraq (UNAMI) and, on a quarterly basis thereafter, on the progress made towards national elections and the fulfilment of all of the Mission's responsibilities. The present report is the fourth submitted pursuant to that resolution.

2. The present report provides an update on United Nations activities in Iraq since the last report (S/2005/141 of 7 March 2005 and Corr.1). It provides a summary of key developments in Iraq, particularly with regard to the political process and regional developments pertaining to Iraq. It also describes the main activities of UNAMI during the period under review, as well as United Nations electoral assistance activities. In addition, it provides an update on security issues, including an assessment of the security situation, an update on security arrangements for the United Nations presence in Iraq and an update on operational issues.

## II. Summary of key developments in Iraq

### A. Political process

3. During the period under review, the transitional process was focused on the convening of the Transitional National Assembly and its proceedings as well as on the formation of the Transitional Government of Iraq.

4. Due to delays in reaching agreement on the composition of the Government, it was decided to proceed with convening the Transitional National Assembly on the understanding that efforts for government formation would continue. On 16 March 2005, the Transitional National Assembly was formally inaugurated. After further negotiations, the Transitional National Assembly, on 6 April, elected Hajim Al-Hasani as its President. Hussain Sharistani and Aref Taifour were elected as Vice-Presidents.

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5. The Transitional National Assembly is composed of 275 members and includes the following political entities: United Iraqi Alliance (140 seats), the Kurdistan Alliance List (75 seats), the Iraqi List (40 seats), the Iraqis (five seats), Turkman Iraqi Front (three seats), National Independent Cadres and Elites (three seats), National Union (two seats), Islamic Group of Kurdistan/Iraq (two seats), Islamic Action Organization in Iraq (two seats), National Democratic Alliance (one seat), Al Rafideen National List (one seat), Liberation and Reconciliation Gathering (one seat).

6. As a result of negotiations on the formation of the Presidency Council, Jalal Talabani was sworn in as President of Iraq on 7 April. Ghazi al-Yawar and Adel Abdul Mehdi were sworn in as Vice-Presidents on the same day.

7. During the reporting period, one of the key issues between the main political stakeholders was how to ensure adequate and legitimate representation of Arab Sunnis in the Transitional Government, many of whom did not participate in the elections. As a consequence, Sunni Arabs were under-represented in the Transitional National Assembly. Prolonged negotiations between the Kurdistan Alliance and the United Iraqi Alliance, the two political groupings with the largest number of seats in the new Assembly, resulted in a memorandum of understanding that laid the basis for government formation.

8. On 28 April 2005, the Transitional National Assembly endorsed the Transitional Government under the premiership of Ibrahim Ja'afari. The Government comprises 32 ministerial and 4 deputy ministerial posts.

9. The time taken to form the Government presented many opportunities to debate key political and constitutional issues. This was the first occasion for Iraq's political parties to have in-depth discussions and engage in negotiations on critical issues facing the new administration. As the attempts at government formation became protracted, many Iraqis expressed concern about the extent to which the process was focusing on ethnic and sectarian considerations. By contrast, other observers focused on the implications of the ongoing negotiations for the transitional timetable, notably the drafting of the constitution and the manner in which inter- and intra-party agreements might prejudice the Government's necessary freedom to manoeuvre.

10. The difficulties experienced in allocating posts to satisfy all ethnic and confessional groups in Iraq points to the considerable challenges ahead, particularly with regard to the constitution-making process. Under the timetable established by resolution 1546 (2004), the Transitional Government is expected to serve until elections under a new permanent constitution leading to a constitutionally elected Government by 31 December 2005.

11. On 10 May 2005, the Transitional National Assembly established the Constitution Drafting Committee. Under the timetable for the political transition, the Committee is expected to write the draft of a permanent constitution by 15 August, unless the six-month extension provided for in the Transitional Administrative Law is invoked. The draft permanent Constitution would then be presented to the Iraqi people for approval in a general referendum to be held no later than 15 October.

12. The Constitution Drafting Committee is chaired by Sheikh Humaam Al-Hammoudi of the United Iraqi Alliance. Fouad Ma'suum of the Kurdistan Alliance List and Adnan Janabi of the Iraqi List serve as deputy chairs. Fifty-five

members of the Transitional National Assembly drawn from the various lists are members of the Constitution Committee. The United Iraq Alliance has 28 members, the Kurdistan Alliance 15 members and the Iraqi List 8 members. Smaller groups have four members on the Committee. These groupings represent Turkman, Assyrian Christians and Yezidis. In addition to the Constitution Drafting Committee, the Assembly has established 27 standing committees to assist it in exercising its legislative and oversight functions.

13. On 25 May the Constitution Drafting Committee established a subcommittee tasked with identifying mechanisms for making the Constitution-making process more inclusive. The subcommittee is expected to complete its task soon. The Constitution Drafting Committee has also established subcommittees on federalism and human rights. Meanwhile, the Government has formed an Inter-Ministerial Committee on Constitutional Affairs consisting of six Ministers (Justice, Governorate Affairs, Women's Affairs, Culture, Municipalities and Public Works) to be chaired by a Deputy Prime Minister. The Inter-Ministerial Committee has been tasked with supporting the Constitution-making process.

14. This new phase of Iraq's political transition takes place in a security environment that has yet to show any signs of improvement. Since the inauguration of the Transitional Government, attacks, including suicide bombings, against both Iraqi civilians and public officials, have increased significantly. In an apparent challenge to the formation of the elected Government, attacks on Iraq's police and security forces were particularly frequent. The significant rise in insurgent attacks in April and May has taken a particularly heavy toll on civilians. However, accurate reporting of incidents remains problematic and figures concerning the number of casualties remain uncertain.

15. The Multinational Force and Iraqi security forces have significantly stepped up their anti-insurgent campaigns in and around Baghdad as well as in western Iraq. There have been reports of high casualty rates and alleged violations of civil liberties and human rights by all sides.

16. In response to the security situation, the Transitional Government on 13 May extended the Order for Safeguarding National Security in all parts of Iraq, except the three northern governorates, for 30 days. The Order was first introduced by the Interim Iraqi Government on 7 November 2004 and has subsequently been extended every month. Overall, the human rights situation in Iraq remains a matter of grave concern.

## B. Regional and international developments pertaining to Iraq

17. On 29 and 30 April 2005, Turkey hosted the 8th meeting of the neighbouring countries of Iraq in Istanbul. The Foreign Ministers of Bahrain, Egypt, the Islamic Republic of Iran, Iraq, Jordan, Kuwait, Turkey and the Syrian Arab Republic, the Deputy Foreign Minister of Saudi Arabia, the Secretary-General of the League of Arab States, the Secretary-General of the Organization of the Islamic Conference, a representative of the European Commission and my Special Representative, Ashraf Qazi, attended the meeting. The participants in the meeting welcomed the holding of elections and the subsequent establishment of the Transitional Government. They also expressed support for Iraq's continuing political transition in accordance with the timetable set out in resolution 1546 (2004).

18. In the concluding communiqué, participants expressed their strong desire that Iraq's elected bodies complete the political transition in an inclusive, transparent and democratic manner, which will ensure effective participation of the entire spectrum of the Iraqi people in the political, economic and social rebuilding of Iraq. They also stressed the pivotal role the United Nations should play in this new phase where consensus-building and articulation of a unifying Constitution will become paramount. The participants agreed that UNAMI should serve as a focal point in receiving and processing political and donor assistance to the transition process. My Special Representative was assured of the participants' strong support in carrying out his tasks. Participants also welcomed the expansion of United Nations staff and offices in Iraq. With regard to follow-up, it was agreed to convene the second meeting of the interior ministers in Turkey as soon as possible. The Islamic Republic of Iran's offer to host the next meeting at the level of foreign ministers was also accepted.

19. On 20 and 21 May 2005, Prime Minister Ja'afari visited Ankara on his first trip abroad after the formation of the Transitional Government. The Prime Minister was accompanied by six members of his cabinet. His meetings focused mainly on issues relating to trade and security in the region.

20. At the international level, the United States of America and the European Union (EU) have launched an initiative to co-host an international conference on Iraq at the request of the Transitional Government. The conference, which will take place at the level of foreign ministers, has been scheduled to take place in Brussels on 22 June 2005. A preparatory meeting took place in Cairo on 2 June 2005. More than 80 countries are expected to attend. The conference will be an opportunity for the newly formed Iraqi Government to present its priorities and strategic directions related to the political process, including the Constitution-making process, the upcoming electoral events, reconstruction and development issues and security and public order issues.

# III. Update on United Nations activities

## A. Political activities of the Special Representative of the Secretary-General

21. During the reporting period, my Special Representative and his political team continued their political facilitation efforts to promote an inclusive, participatory and transparent political transition process that is responsive to the needs of all Iraqi constituencies. To this end, particular efforts were geared towards promoting dialogue between members of the Transitional National Assembly, the Transitional Government and leaders of political constituencies that have so far remained outside the political process.

22. On 6 May 2005, I decided to appoint Michael von der Schulenburg as my Deputy Special Representative for Political Affairs in Iraq to further strengthen the political presence of UNAMI in Baghdad. Mr. von der Schulenburg recently took up his duties in Baghdad. He reports directly to my Special Representative, Ashraf Qazi, and will work closely with my Deputy Special Representative for Reconstruction, Development and Humanitarian Affairs in Iraq, Staffan de Mistura, who is based in Amman.

23. In all his discussions, Mr. Qazi has stressed the importance of inclusiveness and achieving a balanced representation in the composition of the Government and in the drafting of the Constitution to ensure that the legitimate interests and concerns of all Iraqis are addressed. Both inside and outside Iraq, my Special Representative and his team met with representatives of Arab Sunni communities, tribes and groups to gain a better understanding of their concerns and intentions with regard to the political process. My Special Representative firmly encouraged them to articulate their views through peaceful participation and dialogue.

24. In accordance with his mandate, my Special Representative actively followed the discussions among the parties involved in the formation of the Government and provided encouragement and advice to ensure a successful outcome. He addressed the Transitional National Assembly at its inaugural session.

25. My Special Representative and the UNAMI team have met regularly with the President and Vice-Presidents, the Prime Minister and his deputies, the Speaker and Deputy Speakers of the Transitional National Assembly, the Ministers of Foreign Affairs, Interior, Defence, Human Rights, Justice, Planning, Finance, Provincial Affairs and other ministers. Regular meetings have also been held with the National Security Adviser, leaders of parliamentary blocks and political groups not represented in the Transitional National Assembly as well as representatives of academic, professional, women's and civic organizations. In addition, close contacts have been maintained with members of the diplomatic community and senior commanders of the Multinational Force both in Baghdad and in Basrah. In Basrah, my Special Representative addressed the Inter-Governorate Coordination Council and met senior officials from the governorates of Basrah, Dhi-Qar and Maysan.

26. On 27 March 2005, my Special Representative met Grand Ayatollah Ali al-Sistani in the holy city of Najaf and visited the sacred shrine of Imam Ali. In addition, he maintained regular contacts with Sheikh Harith al-Dhari, head of the Association of Muslim Scholars, and other representatives of a broad spectrum of religious and ethnic groups in Iraq.

27. In discussions with the Independent Electoral Commission of Iraq, my Special Representative reviewed progress in addressing official complaints submitted to the Commission, following the 30 January elections. He stressed that efficient and transparent handling of such issues was a key component in building and maintaining trust with Iraq's political entities. He also encouraged the Commission to play an active role in providing information to the members of the Transitional National Assembly on the practical implications of their work on the Constitution for the holding of the referendum and the next elections. He explained that given that the preparatory time available was very limited, it was important that the Commission maintain an active and sustained dialogue with the Transitional Government and National Assembly.

28. In Kuwait, on 30 March 2005, my Special Representative met with the Foreign Minister and ambassadors of neighbouring States, as well as of India, the Russian Federation and several European countries. In Turkey, he held discussions on 31 March 2005 with the Foreign Minister and senior officials at the Ministry of Foreign Affairs. Their talks focused on the progress of the political transition and the importance of encouraging greater political stability and a more stable security environment. Other issues discussed were the role of the United Nations in providing impartial, objective reporting on returnees, displacement and

compensation, notably in relation to Kirkuk and other areas where these issues had proved controversial.

29. In Brussels, on 4 April 2005, my Special Representative met with the External Relations Commissioner and other senior officials of the European Commission, the EU High Representative for the Common Foreign and Security Policy, members of the European Parliament and the Foreign Minister of Belgium. Discussions focused on the prospects for expanded relations with the Transitional Government, the upcoming international conference on Iraq in Brussels and donor coordination in support of the Transitional Government and the wider political process.

30. In Rome on 15 April 2005, my Special Representative met senior officials from the Ministry of Foreign Affairs, the Chief of the General Staff and members of the diplomatic community for discussions focusing on the political prospects for the Transitional Government, security sector reform and increasing the effectiveness of international and bilateral humanitarian, reconstruction and development initiatives.

31. During his visit to Washington, D.C., on 12 April 2005, he met the United States Secretary of State and other senior officials at the State Department and the National Security Council. Their discussions focused on the prospects for adhering to the timetable laid out in resolution 1546 (2004), the priorities facing both the Transitional Government and international community in the coming months and the importance of political outreach in ensuring an effective process of national reconciliation.

32. In the margins of the Istanbul meeting of the neighbouring countries of Iraq on 29 and 30 April 2005, my Special Representative held talks with the Secretaries-General of the League of Arab States and the Organization of the Islamic Conference, where he encouraged experts from the region to actively offer their experience to inform Iraq's constitutional process.

33. On 24 May 2005, my Special Representative and his team met with the French Foreign Minister, the diplomatic adviser to the President of France and senior officials at the French Foreign Ministry. Their talks focused on the evolving political and security situation following the formation of the Transitional Government, the prospects for adhering to the timetable outlined in resolution 1546 (2004) and the means of ensuring a genuinely inclusive political process in which the rights of all Iraqi communities are adequately reflected. With regard to the Brussels conference scheduled to be held in June 2005, the discussions explored ways in which the conference could support the newly formed Government and provide a context for more effective political and economic reconstruction.

34. In all his discussions, my Special Representative stressed the importance of a broad-based approach, including political and economic initiatives, to improving the security environment. He emphasized that this was necessary in order both to provide a genuinely supportive framework for security measures and to increase the stake of Iraqi citizens in a successful political transition.

## B. Constitutional support activities

35. Resolution 1546 (2004) calls upon UNAMI, at the request of the Iraqi Government, to play a leading role in promoting national dialogue and consensus-building on the drafting of a national Constitution by the people of Iraq. As I

highlighted in my last report (S/2005/141), the United Nations is fully committed to doing everything possible to support Iraqi-led and Iraqi-owned efforts in this regard. In order to prepare effectively for an assistance role in this field, my Special Representative established an Office of Constitutional Support as an integral part of UNAMI operations in Baghdad. The Office is headed by Nicholas Haysom.

36. On 30 May 2005, UNAMI received a letter from the President of the Iraqi National Assembly requesting the United Nations, with the assistance of the international donor community, to provide technical assistance, including technical and logistical public affairs expertise that can help promote national dialogue between the Constitutional Drafting Committee of the Transitional National Assembly and the Iraqi people and build consensus nationwide for the draft Constitution in accordance with Security Council resolution 1546 (2004).

37. UNAMI has organized its assistance programme in five distinct areas: facilitation and good offices geared towards promoting inclusiveness and consensus-building; institutional support to include material assistance, capacity-building, training and expertise; knowledge-sharing on procedural and substantive subjects, such as the nature of the State, federalism, human rights (including women's rights), civil service and armed forces; public outreach to include education of media, civil society and communities (particularly groups which feel excluded or marginalized) across Iraq for providing meaningful input to the constitutional deliberations within the Transitional National Assembly; and coordination of international assistance.

38. During the period under review, the constitutional support team of UNAMI held extensive consultations with key national and international actors, both inside and outside Iraq, with a view to promoting an inclusive, participatory and transparent Constitution-making process that is responsive to the key demands of all Iraqi constituencies. The team held frequent meetings with members of the Transitional National Assembly and representatives of groups that have so far remained outside the political process, to discuss relevant procedural, substantive and technical issues relevant to UNAMI's constitutional support role. It also met with a broad range of national and international non-governmental organizations and civil society groups as well as representatives of the Member States present in the region.

39. UNAMI representatives also attended a number of seminars on Constitution-making organized by international non-governmental organizations in Jordan, in which key Iraqi civil society groups, members of the Transitional National Assembly and legal advisers of the different parties in the Assembly participated as well. The UNAMI constitutional team also held informal meetings with international non-governmental organizations and embassies to exchange information and ensure effective coordination in this field. Representatives of the Transitional National Assembly secretariat attended these meetings upon the request of UNAMI.

40. Subsequent to requests by international donors in Baghdad, UNAMI regularly chairs donor meetings on the Constitution-making process and, where practicable, is coordinating international assistance efforts in this area. The donor meetings have recently been made more operational through the formation of small subcommittees focused on specific technical issues, including support for the Constitution-drafting body and public outreach.

41. In addition, the UNAMI clusters on governance and education have begun to mainstream Constitution-related activities into current and planned projects when and where feasible. The United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Development Fund for Women (UNIFEM), the United Nations Children's Fund (UNICEF), the United Nations Economic and Social Commission for Western Asia (ESCWA), the Office of the United Nations High Commissioner for Human Rights (UNHCHR), the United Nations Office for Project Services (UNOPS) and the United Nations Development Programme (UNDP) are engaged in widespread activities to promote awareness about the Constitution-making process and ensure public participation.

42. In the coming months, the UNAMI Office of Constitutional Support will further increase its efforts to maximize its assistance activities to the Transitional National Assembly with a view to a successful outcome of the Constitution-making process.

## C. Electoral assistance activities

43. The elections that took place on 30 January were an important milestone in the transitional political process. While the Independent Electoral Commission of Iraq has made considerable headway in establishing itself, there is still a need to consolidate its status and capacities, especially in anticipation of the constitutional referendum planned for no later than 15 October 2005 and the subsequent elections for a permanent Government planned for no later than 15 December 2005.

44. From 16 to 18 March 2005, the United Nations Electoral Assistance Division of the Department of Political Affairs organized a meeting on "Lessons learned and upcoming challenges" in New York to assess the preparations for the January elections and to define the areas requiring further reinforcement before the next electoral exercises. The meeting brought together the Commissioners of the Independent Electoral Commission of Iraq and all institutions that formed part of the International Mission for Iraqi Elections, as well as all entities that took part in the electoral effort under the umbrella of the United Nations. Extensive discussions at the meeting led to detailed recommendations that identified the issues likely to require special attention in the months ahead.

45. The United Nations has continued to work in close partnership with the Independent Electoral Commission of Iraq in preparation for the upcoming electoral events. At the invitation of the Independent Electoral Commission, a United Nations needs assessment mission is visiting Iraq from 5 to 26 June to assess the requirements of the Independent Electoral Commission for international assistance and the specific areas in which United Nations assistance would be most appropriate. The needs assessment mission will meet with a broad range of Iraqi interlocutors and examine the entire range of implementation and planning issues for the referendum and the elections. Upcoming needs assessment missions will also include visits to Basrah and Erbil to assess regional requirements and capacities with a view to strengthening the Independent Electoral Commission at the governorate and sub-governorate levels.

46. The drafting of a new Constitution could have a profound impact on the electoral system and electoral process. The United Nations is prepared to offer advice and assistance on how the different choices for legislative representation may

affect the electoral system and preparations for elections. The United Nations stands ready to assist in drafting new legislation related to the elections, including a referendum law. In addition, the United Nations will continue to play a lead role in coordinating the extensive international electoral assistance that will be required for organizing the constitutional referendum and the elections.

## D. Reconstruction, development and humanitarian assistance

47. Despite the prevailing security constraints limiting staff movements within Iraq, United Nations agencies and programmes continued to support donor coordination, capacity-building and delivery of basic services from inside and outside the country. National counterparts within line ministries, Iraqi contractors, non-governmental organizations, and United Nations national staff were critical in ensuring consistent and continued assistance for project implementation and in promoting capacity-building. With a view to identifying reconstruction priorities and effective donor coordination, the Transitional Government established a consultative committee on reconstruction and development composed of the Ministers of Finance, Planning, Housing, Industry, Electricity, Transportation, Communications, Governorate Affairs and Public Works. The Minister of Finance serves as focal point for donor coordination.

48. On 24 March, UNAMI held a joint comprehensive review of the United Nations-Iraqi assistance strategic framework with Iraqi authorities, reaffirming an integrated framework of operations. This event was co-chaired by my Deputy Special Representative for Humanitarian, Reconstruction and Development Affairs in Iraq and the Iraqi Minister of Planning and Development Cooperation. Participants included other senior Iraqi officials and representatives of United Nations agencies and programmes. The resulting jointly owned United Nations-Iraqi assistance strategic framework outlines the main priority areas for future reconstruction and rehabilitation in Iraq.

49. Through the presence of the Deputy Reconstruction and Humanitarian Coordinator and other core national and international United Nations development and humanitarian staff in Baghdad, the United Nations has been able to assume an increasingly important function with respect to donor coordination. The newly created Information Management Team based in Amman complements this process. The Team has established a database covering information on all relevant United Nations activities with respect to Iraq, irrespective of their funding source. This enables the Team to provide analysis and other information products to UNAMI and United Nations agencies to facilitate advocacy activities that address the needs of all Iraqis. It also provides a platform from which United Nations activities can be made more visible.

50. Capacity-building continues to be the primary focus of many of UNAMI's activities, given the urgent needs of Iraqi civil society and governmental institutions in this area. Recently, the United Nations country team has significantly increased the number of its capacity-building activities, programmes and projects conducted in collaboration with line ministries. From March to June 2005, the Country Team carried out almost 200 capacity-building activities through technical training, workshops, seminars, conferences and high-level meetings. This involved active participation by ministries and civil society organizations.

51. Major capacity-building activities included management skills training for the Ministry of Planning and Development Cooperation, early childhood teacher training and a Geographic Information System (GIS) workshop on culture. In the areas of health, water and sanitation, capacity-building activities included epidemiological surveillance, research methodology for mental health and methods for HIV/AIDS estimations and projections. Training of trainers for the sanitary inspection of public water supply systems was complemented by training on practical methods of local water management, solid waste management and engineering, water law and institutions, operation and maintenance of water treatment plants and water network management. Other infrastructure-related capacity-building activities included training on the establishment of a GIS database of the electricity distribution networks, distribution network modelling, analysis and design and distribution planning software and techniques training for engineers.

52. Through the new cluster 4 (on agriculture, environment and natural resources management), the following activities were undertaken: training of trainers in entrepreneurship development and food/non-food processing technologies; support for environmental management of the Iraqi marshlands; biodiversity and natural resource management; change management training for veterinarians; integrated water resource management policy; training of teachers in mine risk education; and the training of Iraqi clearance teams.

53. Governance and civil society activities included educational seminars on women and the constitution; literacy for women; gender training and monitoring; housing finance; access for low income and vulnerable groups; management skills and promoting human rights awareness for local non-governmental organizations; orientation and training on the donor assistance database; and conferences focused on families and legal issues for the National Centre for Missing Persons.

54. Other important activities included the launch in Baghdad, on 12 May, of the UNDP-financed Iraqi Living Conditions Survey by the Minister of Planning and Development Cooperation; creation of the Marshlands Information Network and a national mine-clearance non-governmental organization; support for critical policy development in the areas of human rights, elections, social services and civil society empowerment; and a measles, mumps, rubella vaccination campaign, which has reached 1,458,771 children to date (the rate of reported cases of visceral leishmaniasis has decreased by 55 per cent).

55. Reconstruction efforts in all parts of Iraq through implementing partners have also continued. Activities in the reporting period include the ongoing rehabilitation of 73 schools and of water and sanitation facilities in 800 schools; 24 teacher training facilities and community learning centres; the rehabilitation of water treatment plants and solid waste treatment plants; the rehabilitation of 22 power plants and upgrading of transmission systems; the receipt of housing materials for 1,713 units in northern Iraq; technical and material food support of the Ministry of Trade's public distribution system and the national wheat/flour fortification project; the provision of protection and material assistance for over 5,000 families of internally displaced persons; and returnee monitoring of 890 families in central Iraq and 400 villages in southern Iraq. The delivery of 25 mobile salt iodization machines, bringing the total to 64, will enable Iraq to achieve universal salt iodization by the end of 2005. A total of 78,297 malnourished children received 46,386 kilograms of therapeutic milk in April alone, while street children received

special attention through the services and support provided by drop-in centres in Basrah and Nassiriyah governorates and Khadimiah area in Baghdad.

56. Landmines and unexploded ordnance pose two of the greatest obstacles to reconstruction and development in some areas. The completion of a landmine impact survey, the recovery of 13,812 items of mines, explosive ordnance and unexploded ordnance and the clearance of 225,400 square metres are critical steps towards overcoming those obstacles.

57. The UNAMI Humanitarian Affairs Unit continued to monitor the humanitarian situation and coordinate within the framework of the emergency working group to follow up on issues of concern in previous or potential flashpoints across Iraq, such as Fallujah, Ramadi and, most recently, Al-Qaim. Particular attention has focused on the material and protection needs of internally displaced persons resulting from conflict. Assistance was provided to 1,000 families in Fallujah, who received tents, lanterns, mattresses and cooking stoves. Some 46,974 internally displaced persons and returnees received supplementary food assistance. Distribution efforts also targeted persons displaced from Fallujah, including 11,519 families who temporarily relocated to other communities throughout the Al-Anbar governorate.

58. Military action in the Al-Qaim area had an impact on local residents and on internally displaced persons from Fallujah. As a result, 2,000 internally displaced families from Fallujah were identified to receive assistance, as well as an estimated 2,000 internally displaced families originally from Al-Qaim and its surrounding areas. Food, water, non-food items such as mattresses, tents and water storage containers, and essential medical supplies were distributed to families in need and to local health facilities. The security situation has impeded access and thus assessments of the area's needs. However, the United Nations country team and its partners, working through the emergency working group, are in the process of positioning supplies and are calling on the relevant Iraqi authorities and the Multinational Force for humanitarian space and respect for human rights.

59. Return and reintegration assistance was provided to 267 Iraqi refugee and internally displaced families in Dahuk governorate, including community mobilization, distribution of shelter materials, implementation of quick-impact projects (water, education and roads) and distribution of livestock to vulnerable families. Similar assistance was provided to 682 refugee and internally displaced person returnees in the governorates of Erbil and Sulaymaniyah. The Returnee and Displaced Persons Advisory Bureau provided legal counselling to 54,258 returnees and internally displaced persons in the Missan governorate.

60. Assistance to the town of Fallujah and to internally displaced persons from Fallujah residing in other areas included distribution of 15,000 stationery kits and school bags for students in grades 1 to 4, and 3,100 for students in grades 5 to 9. At the same time, local partners assessed 20 damaged schools.

61. A total of 298,132 internally displaced persons throughout Iraq benefited from the emergency humanitarian response (totalling $2.1 million) through the distribution of non-food items and canned food for immediate consumption to complement the shortages in the public distribution system.

62. Working with the United Nations country team, non-governmental organizations, Red Cross/Red Crescent organizations and relevant Iraqi ministries, UNAMI continued its leading role in the coordination of emergency preparedness

and response activities. In March 2005, UNAMI distributed the updated contingency plan for Iraq to the United Nations, non-governmental organizations and donors. In addition, it is undertaking efforts to ensure that there is follow-up by the international donor community on the action points highlighted in the plan. One action point is to identify and support Iraqi Government counterparts and non-governmental organization governorate focal points to establish a national emergency preparedness and response plan.

63. The level and scope of both reconstruction and humanitarian activities coordinated with all key stakeholders will be a key subject at the upcoming Brussels international conference on Iraq, to be held in June, and the periodic meeting of the International Reconstruction Fund Facility for Iraq, to be held in Amman in July.

64. Despite the efforts of the United Nations, significant obstacles to full implementation of United Nations activities remain. This is largely due to the security situation, which dictates that work be done using national staff with less direction than preferred. Therefore, the United Nations is using the services of third parties such as local non-governmental organizations or consultants to monitor and assess activities being undertaken through implementing partners in Iraq. This triangulation of management, although not ideal, appears to be working reasonably well and will continue for the foreseeable future. However, one of the critical constraints is the inability to quickly gather information, such as in the case of developing a humanitarian response in Al-Qa'im, which resulted in a delayed response. This dependency upon second-hand information and the associated potential for bias continues to be a major constraint in ensuring that the response provided is relevant and appropriate as well as timely.

65. Similarly, frequent changes in the ministries, combined with the delays in the formation of the Transitional Government, have resulted in the suspension of the Iraqi Strategic Review Board and the approval of projects for implementation. Changes in ministerial incumbents, reformulation of portfolios within ministries and other effects of the creation of the Transitional Government, while not unexpected, nonetheless posed some difficulties for United Nations activities.

## E. United Nations Development Group Iraq Trust Fund of the International Reconstruction Fund Facility for Iraq

66. As at 30 April 2005 gross deposited contributions to the United Nations Development Group (UNDG) Iraq Trust Fund of the International Reconstruction Fund Facility for Iraq amounted to $660 million, with only $11 million of committed contributions pending deposit. A total of 53 projects have been approved and funded under the UNDG Iraq Trust Fund, worth $516 million. As at the end of March 2005, contracts worth a total of $281 million have been entered into under approved projects and $153 million has been disbursed. Additional significant contractual commitments and disbursements are expected in the upcoming period.

67. The first official six-monthly report to donors of the UNDG Iraq Trust Fund outlining key achievements and lessons learned was issued on 12 May 2005. The document will be presented along with the World Bank Iraq Trust Fund report to the International Reconstruction Fund Facility for Iraq donor committee at its next meeting, in July 2005 in Amman. The report underlines that, in order to build on the

effective delivery in 2004 and the first quarter of 2005, further resources should be made available to the Fund.

68. In order to enhance the effectiveness of the Iraq Trust Fund, as well as its responsiveness to the needs of the Iraqi Government and contributing donor States, strong efforts have been made to maximize its transparency and accountability. The dedicated International Reconstruction Fund Facility website (www.irffi.org) provides details on funding availability, the decision-making process and projects. The UNDG ITF procurement page on the website continues to provide detailed information on procurement opportunities and contract awards. This is a major enhancement of the transparency of the programme and its effectiveness.

69. The UNDG ITF is also implementing an independent lessons learned and review exercise. On the basis of an expression of interest, four international firms have been shortlisted and have received a request for a proposal. Results of the review are expected to be available in the summer and will contribute to further improving the effectiveness of the UNDG ITF and strengthening the accountability framework of implementing agencies and the programme as a whole.

## F. Human rights activities

70. The volume of reports on human rights violations in Iraq justifies serious concern. Accounts of human rights violations continue to appear in the press, in private security reports and in reports by local human rights groups. Individual accounts provided to UNAMI and admissions by the authorities concerned provide additional indications about this situation. In many cases, the information about violations has been widely publicized. Effective monitoring of the human rights situation remains a challenge, particularly because the current security situation makes it difficult to obtain evidence and further investigate allegations. In most instances, however, the consistency of accounts points to clear patterns.

71. High levels of violence generated by the insurgency and the accompanying response by security forces, which are often insufficiently trained, restrained and supervised, continue to result in extensive infringements of human rights in the country. The ongoing conflict has affected many innocent civilians, including women and children. Insurgents carried out assassinations against political figures, civil servants, police and security forces. Indiscriminate bombings caused hundreds of fatalities and many more injuries. Reports of threats and intimidation are frequent, including against United Nations national staff.

72. At the moment, the authorities cannot ensure the full protection of the population from such acts despite the fact that the Order for Safeguarding National Security remains in force. One of the major human rights challenges remains the detention of thousands of persons without due process. According to the Ministry of Justice, there were approximately 10,000 detainees at the beginning of April, 6,000 of whom were in the custody of the Multinational Force. Despite the release of some detainees, their number continues to grow. Prolonged detention without access to lawyers and courts is prohibited under international law, including during states of emergency.

73. There are continuing media reports about excessive use of force at checkpoints and during searches by Iraqi forces and by the Multinational Force. Investigations

into these abuses have rarely resulted in prosecutions. The inability to investigate and prosecute abuses committed by armed forces and groups and the lack of adequate compensation for those whose rights have been violated increases political disaffection and remains a challenge to promoting a culture of accountability and respect for the rule of law. The proliferation of illegitimate militias and attempts to foment intercommunal tension through targeted killings is cause for serious concern.

74. One of the notorious human rights violations of the Baath regime was the forcible displacement of populations. The restoration of their rights through an orderly, safe and dignified return process, including a compensation mechanism, must not result in further forcible displacements.

75. UNAMI will continue its advocacy activities with all parties concerned to address the systemic nature of human rights violations. Discussions with the authorities and donors to coordinate assistance to reinforce the rule of law in the country have continued. The UNAMI Human Rights Office is coordinating closely with the Office of Constitutional Support to provide support on human rights-related aspects of the Constitution-making process. In addition, the Human Rights Office, in coordination with the UNAMI Office of Constitutional Support and the Office of the United Nations High Commissioner for Human Rights, stands ready to provide technical support to the Constitutional Drafting Committee of the Transitional National Assembly with respect to human rights issues.

76. The UNAMI Human Rights Office, in cooperation with the United Nations Development Programme, continued to support the establishment of a national centre for missing and disappeared persons. An expert scientific working group met in Amman from 28 to 31 March and a Legal Expert Group held consultations in Amman from 2 to 4 May and in Baghdad from 16 to 18 May to consider draft legislation and offer proposals to the Transitional Government. The Human Rights Office convened another consultation in Kuwait from 22 to 24 May to discuss the most suitable database for the national centre.

77. UNAMI, the Office of the United Nations High Commissioner for Human Rights and UNOPS completed a two-week training course on monitoring of human rights for Iraqi non-governmental organizations from 17 to 21 March and from 9 to 24 April in Amman. From 15 to 26 April, the second part of the training of trainers on human rights for non-governmental organizations took place in Amman. A regional consultant has been hired to produce a study with recommendations for the legal framework for the operations of non-governmental organizations in Iraq.

## G. Public information activities

78. The UNAMI Public Information Office continued to communicate UNAMI's mandate and activities to target audiences and to service the media information requirements of the Mission as a whole. An updated public information strategy, operational plan and new organizational structure have been finalized in accordance with the mandate of the Mission, its evolving role and the updated concept of operations. Two international public information officers have been deployed to Baghdad in addition to the two national staff members in Baghdad and Erbil.

79. During the period under review, the Public Information Office redesigned the existing English website to make it more user-friendly. It created an Arabic-

language mirror site, due to be launched in June 2005. It is also strengthening its technical team in order to launch a Kurdish version by late August 2005. The Office has published two monthly newsletters in Arabic and English (at http://uniraq.org), with the next letter due for publication in July 2005.

80. The Office is designing a media campaign preceding the forthcoming international conference on Iraq in Brussels and the donor meeting in Amman to increase the visibility of UNAMI activities and achievements in Iraq. The third edition of the UNAMI information kit in Arabic and English has been prepared for publication in early June 2005, with a Kurdish version planned for July 2005.

# IV. Security and operational issues

## A. Assessment of the security situation

81. The extent to which it has been possible for UNAMI to discharge its mandate in the past year has been, and continues to be, sharply limited by the security situation and other operational constraints. In the wake of the tragedy of 19 August 2003, I have made it clear that the role of UNAMI must be commensurate with the risks and that staff security should be the overall guiding principle in the implementation of its mandate. The dangers and the requirement to meet the minimum operating security standards have necessitated security arrangements for protection far beyond those of other peace operations, in terms of both cost and the proportion of substantive to non-substantive personnel.

82. Security risk assessments confirm that the level of threat remains high. The arrangements for security impose significant limitations on staff, who have to endure very arduous living and working conditions combined with the constant stress of living with significant risk. One of the results has been that it has been difficult to recruit and retain staff. UNAMI currently has an overall vacancy rate of 55 per cent. Some individuals have simply declined to accept the risks, while others have refused to accept employment on the grounds that there is insufficient compensation for the conditions of work.

83. During the period under review, there has been no abatement of violence in Iraq, with the number of incidents once again reaching very high levels upon the formation of the Transitional Government. Bombings, strikes against Iraqi and Multinational Force installations and convoys, attacks on aircraft, hostage-takings and targeted assassinations against Iraqi civilians, including public figures, many of increasing scale and sophistication, continue to be centred on Baghdad, Mosul, Ramadi and Tikrit. Iraqi police and recruitment centres have received particular attention, and indiscriminate attacks against civilians continue to cause growing numbers of casualties, with the apparent intent of demonstrating the weakness and inability of the new Government to control the security situation and of exacerbating sectarian tensions.

84. Ground movement between the Baghdad international zone and airport has occasionally been interrupted. A major attack against local security forces in Erbil and incidents in other parts of Iraq demonstrate a sustained ability of hostile elements to select and coordinate attack targets throughout the country. The present and immediately foreseeable security situation therefore offers no scope for an early

reduction in the level of protection for United Nations personnel, installations and activities in Iraq.

## B. Security arrangements

85. Security for United Nations facilities in Baghdad, as well as protection for international staff members when moving outside protected areas, is currently provided through a closely coordinated combination of unarmed United Nations security advisers, lightly armed United Nations guards and personal security details and robust, well-equipped and highly mobile military units of the Multinational Force backed by a strong command, control, information and medical evacuation chain. To strengthen security arrangements for United Nations staff in Iraq, a third United Nations personal security detail will deploy to Iraq in mid-June.

86. The task of the security services unit of UNAMI will grow in complexity commensurate with the development of the UNAMI mission. For this reason, the provision of competent and experienced security staff to enable the safe and effective conduct of Mission activities remains a high priority. As the activities of armed opposition groups adapt and change in reaction to political and security force pressures, the acquisition and production of quality security information and analysis becomes increasingly important.

87. The four-member team of military advisers, including the senior military adviser and his assistant operating from Baghdad, a military adviser stationed in Basrah and one in Erbil, continue to provide direct liaison for the provision of support by the Multinational Force to UNAMI operations. They also work closely with the Department of Security Services and administrative staff to ensure the provision of appropriate and agreed levels of security, administrative and logistic support. This includes the confirmation and review of the provision of "middle ring" security for UNAMI facilities and convoy escort support for movement at the three locations.

88. As at 1 June 2005, more than $16 million had been deposited by 14 Member States to the United Nations trust fund established for the purpose of supporting a distinct entity under unified command of the Multinational Force with a dedicated mission to provide security for the United Nations presence in Iraq (the "middle ring"). The first troop contingents of the distinct entity from Georgia and Romania have been deployed to Baghdad and Basrah, respectively. A mechanism for the disbursement of funds to Member States providing troops to the distinct entity was finalized through an exchange of letters between the United Nations and the United States of America on 4 May 2005. A letter outlining the nature of the fund's disbursement mechanism has been sent to the Member States that have contributed to the fund.

89. I welcome the support provided by the Multinational Force to provide security for the United Nations presence in Iraq. In fulfilling its tasks, UNAMI will continue to depend on this support for the foreseeable future. I am also grateful for the financial contributions by a number of Member States to the United Nations trust fund supporting a distinct entity under unified command of the Multinational Force dedicated to providing security for the United Nations presence in Iraq. I equally welcome the support provided by the Governments and the people of Fiji, Georgia

and Romania to contribute significantly to security arrangements for UNAMI operations in Iraq.

## C. United Nations Assistance Mission for Iraq facilities and logistics

90. With the establishment of two liaison detachments in Basrah and Erbil, the Mission continues to operate in three countries with offices in five locations, including Baghdad, Amman and Kuwait. While the United Nations facilities in Baghdad are well-sited and upgraded for security, they are at present inadequate for further expansion. Recent developments with respect to renovation and the possible reallocation of currently available living accommodations, as well as possible redeployments of Iraqi and Multinational Force security elements within the international zone, present additional security and logistic complications. These issues must be addressed to enable UNAMI to sustain its presence in Baghdad.

91. The continued presence of UNAMI within the international zone is essential, as it offers both the necessary security and close proximity to Iraqi Government offices. Due to security constraints, however, the possibilities for its current and future accommodation needs are limited. The available options are at present under review in order to determine the best option.

92. Given the prevailing security situation and the limitations on establishing self-sufficiency in certain areas, UNAMI will, in the near future, continue to rely on the resources of the Logistics Civil Augmentation Programme (LOGCAP) of the Multinational Force. However, every effort towards reducing dependency on the LOGCAP arrangement is being made. In this regard, a number of significant contracts are close to conclusion.

93. A logistics support base continues to operate from Kuwait. A UNAMI office in Amman continues to provide support to all United Nations staff undergoing the compulsory security awareness induction training and to the increasing number of Iraq-related conferences and workshops organized in Jordan by United Nations agencies and programmes.

94. Despite the constraints mentioned above, UNAMI intends to further strengthen its role of providing support to the Iraqi people in the coming months. UNAMI has already demonstrated that effectiveness can be achieved with limited capacity on the ground. An increase in the number of UNAMI staff in Iraq will depend on a comprehensive and realistic assessment within the context of prevailing security and operational conditions.

## D. United Nations presence in Basrah and Erbil

95. The United Nations liaison detachments in Basrah and Erbil continue to be housed and protected by the Multinational Force pending the establishment of United Nations facilities and the subsequent deployment of security and support staff.

96. Although the Al-Makil port facility in Basrah was renovated as a logistics base and accommodation/office space for the United Nations, it cannot be used for the intended purposes in the immediate future for security reasons. As a result, UNAMI has tendered the design requirements for the refurbishment of the buildings in the

location of the Palace Island, which meets security requirements. Once this facility is renovated, all United Nations staff will relocate from the facilities currently provided by the United States of America and the United Kingdom of Great Britain and Northern Ireland.

97. In Erbil, three containers have been provided by the Multinational Force for use as living and office accommodations for the United Nations liaison detachment. The Multinational Force also provides basic support, such as dining facilities and air support from Kuwait to Erbil. The construction of the main UNAMI compound in Erbil has started and is expected to be completed in late summer. However, deployment of a larger United Nations presence in Erbil will require the deployment of additional elements from the Multinational Force to protect both United Nations facilities and personnel.

## E. Agreements

98. A status-of-mission agreement with the Government of Iraq was signed on 3 June 2005. The agreement will enter into force after the exchange of notes between the parties confirming the approval of the agreement by the respective competent authorities. The agreement will place the status of UNAMI in Iraq on a firmer footing and will help ensure the availability of facilities to UNAMI and its staff for the fulfilment of their tasks.

99. In a meeting with my Special Representative on 30 March 2005, the Foreign Minister of Kuwait gave assurances that his Government expected the memorandum of understanding with UNAMI to be ratified in the near future by the Parliament of Kuwait. The continuing absence of a ratified agreement leaves UNAMI in an anomalous legal position that negatively influences administrative arrangements for both the Mission and individual staff members. The cooperation readily provided to UNAMI by the Government of Kuwait needs to be formalized through the ratification of the memorandum of understanding.

100. An agreement on the status of the UNAMI office in Jordan has been in place since last August.

101. The agreement with the United States of America concerning protection by the Multinational Force of the United Nations presence in Iraq remains pending with the United States Department of Defense. In his discussions with senior United States Government officials in Washington, D.C., on 12 April 2005, my Special Representative received assurances that efforts would be made to expedite the finalization of this vital agreement, on which the continued safety and security of the men and women who make up the United Nations presence in Iraq directly depends. I urge the United States Government to provide its comments on the revised draft that the United Nations submitted in March, following the discussions in New York.

# V. Observations

102. Since the adoption of resolution 1546 (2004) one year ago, the United Nations has been able, under uniquely challenging circumstances, to help Iraq meet each benchmark of its political transition process thus far. A successful completion of the political transition will depend on how well the Iraqi people and Government, with

adequate support from the international community, can build upon initial achievements as they move forward to the next steps of the transition. Each step must contribute to restoring durable peace and stability. This requires not only advances in the political transition process, but also tangible progress in improving security and the living conditions of all Iraqis.

103. The drafting of a national constitution over the coming months provides a historic opportunity for Iraqis to come together. Only a credible constitutional process will maintain the necessary political momentum to carry Iraq through the remainder of the transition process. The high threshold required for the approval of the constitutional referendum by the Iraqi people provides a strong incentive to Iraq's leadership to pursue a constitutional process that is inclusive, participatory, transparent and responsive to the key demands of all Iraqi political constituencies.

104. The process through which the Constitution is to emerge is as important as its content and completion on time, in order to ensure its acceptance and legitimacy. The more the Transitional National Assembly engages in outreach to Iraq's key constituencies and the more responsive it is to their views and concerns, the more effective it will be in producing a Constitution that all Iraqis will consider their own. I urge the Transitional National Assembly to seize the opportunity to increase its efforts to find common ground on an inclusive formula to this end. UNAMI will be ready to assist in every way at the request of the Iraqi authorities.

105. Notwithstanding efforts in the political process, the volatile security situation remains a formidable challenge to the transition process. I am concerned about the potential for escalation of inter- and intra-communal tensions into ethnic or sectarian strife and the regional ramifications thereof. As in many other situations around the world, it is largely innocent civilians who are affected by violence and the use of force. I have repeatedly condemned all acts of terrorism and called for the cessation of all such acts. I have also called upon all parties to avoid excessive use of force and to exercise maximum self-restraint to protect civilian lives.

106. Reports of alleged human rights abuses by all sides need to be taken seriously. Indiscriminate violence and improper detention procedures can only exacerbate the perception of a climate of impunity and breed resentment against those in charge of providing security. In the wake of the recent large-scale offensives in different parts of the country, I call again upon all parties to strictly adhere to their obligations under international humanitarian and human rights law.

107. The stabilization of the security situation is inextricably linked to security sector reform. I note the efforts of the Multinational Force and other international actors to train, fund and equip Iraqi security forces, with a view to enabling them to assume increasing responsibilities as soon as possible to safeguard Iraq's security. Care should also be taken to ensure that the new security forces reflect the diversity of Iraq's population.

108. In addition to providing security, the Iraqi people expect their Government to deliver quickly on their immediate needs, particularly in terms of living conditions, jobs and basic services. Every effort must be made to alleviate the daily deprivations and dangers that degrade the lives of so many Iraqis and contribute to filling the ranks of the disaffected. In order to respond to the needs of its people, I urge the Government to avail itself fully of the advice, expertise and resources offered from both inside and outside Iraq.

109. Iraq's new Government will need the continued active support of the region and of the international community. I therefore welcome and encourage efforts undertaken within the framework of the ongoing regional process. I also welcome the joint EU-United States initiative, at the request of the Iraqi Government, to hold an international conference in support of Iraq's political and economic reconstruction, to be held in Brussels on 22 June. The United Nations will do everything possible to contribute to making the conference a success and ensure effective follow-up.

110. The continued lack of a secure environment continues to severely limit the ability of UNAMI to fully implement its mandate and exposes its staff to considerable risk. The effective protection of United Nations national and international staff therefore remains the overriding guiding principle for all United Nations activities in the fulfilment of its mandate in Iraq. The United Nations has taken exceptional steps to put in place security arrangements for protection far beyond those of other United Nations peace operations. Despite these measures, UNAMI is facing a number of security and other operational constraints. Against this background, recruiting and retaining qualified UNAMI staff represents a major challenge. I have therefore directed that the conditions of service and remuneration of staff serving in Iraq be reviewed again as a matter of urgency. Consistent with our approach since the return of UNAMI to Iraq, we will continue to make every effort to determine how the prevailing circumstances can enable, rather than limit, UNAMI in implementing its tasks.

111. The main political challenge in the coming months will be the drafting of a national Constitution. The Transitional National Assembly has requested that the United Nations provide technical assistance for this process. UNAMI has developed a comprehensive support programme and is fully engaged with the members of the Constitution Drafting Committee of the Transitional National Assembly and other relevant actors to help make the Constitution-making process succeed.

112. In follow-up to its support role in the elections held in January this year, the United Nations, in close cooperation with other international partners, will also continue to provide advice and support to the Independent Electoral Commission of Iraq in preparation for the upcoming electoral events. In preparation for our upcoming electoral tasks, I have directed the United Nations Electoral Assistance Division to undertake a needs assessment mission to Iraq this month, at the invitation of the Independent Electoral Commission.

113. In the area of reconstruction, development and humanitarian assistance, UNAMI, in close cooperation with the United Nations country team, has taken a lead role in the delivery of assistance with a view to strengthening national capacity, based on Iraqi priorities. Due to continued security constraints, the relevant activities continue to be implemented by United Nations agencies through national partners. In the coming months, UNAMI will seek to provide enhanced coordination for political and reconstruction assistance to the Transitional Government. Where practicable, the United Nations stands ready to serve as facilitator and focal point for donor coordination on development issues.

114. The outcome of the political transition will define Iraq's future for a long time to come and will also have an impact on the peace and stability of the region. It is encouraging that the negotiations about the formation of the Transitional Government focused on dialogue, mutual accommodation and confidence-building

with respect to complex issues. Also encouraging are signs that groups that have remained outside the political process are now seeking to actively participate. While the primary responsibility in this endeavour rests with the people of Iraq, the international community shares a common interest in making Iraq's transition succeed. We all have a shared and vital stake in the wisdom and far-sightedness with which the Government and the people of Iraq make their choices in this very challenging environment.

115. In the coming period, the United Nations will therefore continue to do everything possible to maximize its support. In fulfilling their difficult tasks, my Special Representative and his UNAMI staff deserve the full support of the Security Council and the General Assembly. Finally, I wish to take this opportunity to commend the national and international UNAMI and agency personnel for their dedicated work under these most difficult circumstances.